

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-911-BR

EDDI ROBERTO CASTRO BRUNO, et al.,)	
)	
)	
Plaintiffs,)	
)	
)	
v.)	<u>ORDER</u>
)	
JUAN ARMANDO ROSSI, et al.,)	
)	
Defendants.)	
)	

This matter is before the court on review of the docket in this case.

By way of background, on 17 November 2016, plaintiffs filed this lawsuit asserting claims for overtime wages under the Fair Labor Standards Act. Shortly thereafter, defendant Juan Armando Rossi filed a petition in bankruptcy, and the court recognized that this action was therefore stayed as to him pending the bankruptcy. (1/17/17 Text Order.) On 31 March 2017, on plaintiffs' motion, the Clerk entered default as to all defendants except Rossi. (DE # 20.) On 6 September 2017, after the bankruptcy court dismissed Rossi's bankruptcy case, plaintiffs moved for entry of default against Rossi. (DE # 21.) The following day, defense counsel filed a motion to withdraw from representation of all defendants. (DE # 22.) One week later, plaintiffs notified the court that Rossi had filed a new bankruptcy petition and that such filing operated to stay this case against Rossi. No further activity has occurred in the case.

Because this case remains stayed against Rossi pending his bankruptcy, the court DENIES WITHOUT PREJUDICE plaintiffs' motion for entry of default as to Rossi. As for defense counsel's motion to withdraw, it is ALLOWED as to defendants Rossi Group, Inc., Rossi Restaurant Group, Inc., Rossi Consolidated, Inc., and Rossi NC, Inc. and DENIED

WITHOUT PREJUDICE as to Rossi. Upon the conclusion of the bankruptcy proceedings, defense counsel is DIRECTED to promptly file notice of the same.

This 8 June 2018.



W. Earl Britt
Senior U.S. District Judge